

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 10-CR-20075

Hon. Arthur Tarnow

DENNIS CHARLES PORTER,
ALISTAIR RUFUS McGEE,

Defendants.

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TRANSCRIPT OF STATUS CONFERENCE AND MOTION FOR NEW COUNSEL

BEFORE THE HONORABLE ARTHUR J. TARNOW
UNITED STATES DISTRICT COURT JUDGE
Detroit, Michigan
Monday, April 26, 2010

APPEARANCES:

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Detroit, Michigan
Monday, April 26, 2010
2:40 p.m.

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MR. FELLER: Good afternoon, Your Honor. Leonid Feller for the United States.

MR. POOKRUM: May it please the Court, Walter Pookrum, on behalf of Mr. Dennis Porter.

MR. BURGESS: May it please the Court, David Burgess, on behalf of Mr. Alistair McGee.

(Off the record.)

THE COURT: Before we start -- who is sitting next to you, Mr. Pookrum?

MR. POOKRUM: This is Mr. Porter.

THE COURT: Mr. Porter, how are you today?

MR. PORTER: Fine, sir.

THE COURT: You wrote a letter. And this is neither Mr. Feller's business nor Mr. Burgess, but you are welcome to stay.

MR. FELLER: Yes.

THE COURT: I took that as your request for another attorney. Is that a fair statement?

MR. PORTER: Yes, it was. But me and my lawyer had a misunderstanding and a miscommunication.

THE COURT: Now, "miscommunication" might be a

1 better description, because there was no understanding
2 because, according to your letter, there was no communication.

3 But you are satisfied now with Mr. Pookrum?

4 MR. PORTER: Yes, sir.

5 THE COURT: You understand, Mr. Pookrum, you
6 have an obligation to talk to your client?

7 MR. POOKRUM: Yeah, no question about that.

8 THE COURT: Well, there was a question in your
9 client's mind up until a few minutes ago?

10 MR. POOKRUM: Well, I spoke with him, on the day
11 he wrote this letter, two and a half hours. I filed a
12 response. I don't know if the Court has --

13 THE COURT: No, I don't. I do, but I haven't
14 read it. I could have taken the time to read it, but I
15 haven't.

16 MR. POOKRUM: Oh, all right.

17 THE COURT: So, how do you want to proceed
18 today, Mr. Pookrum? Are there any motions left?

19 MR. POOKRUM: Not today.

20 THE COURT: Well, today was motion cutoff day,
21 was it not?

22 MR. POOKRUM: No. That was last Friday.

23 THE COURT: Oh. Well, excuse me.

24 MR. POOKRUM: So, I moved to extend that given
25 the turn of events, and --

1 THE COURT: What was the turn of events? The
2 failure to communicate?

3 MR. POOKRUM: No. That Mr. Porter had filed the
4 letter that the Court treated as a motion.

5 THE COURT: Okay.

6 MR. POOKRUM: Right.

7 So, I filed a motion to extend those dates
8 pending the outcome --

9 THE COURT: Do you have any motions you are
10 going to file besides this motion?

11 MR. POOKRUM: Yes, sir.

12 THE COURT: How much time are you going to need?

13 MR. POOKRUM: With my schedule the way it is
14 right now, probably till the 11th of May.

15 THE COURT: Is that enough time for you,
16 Mr. Burgess? Can we make it the same day for your client?

17 MR. BURGESS: That's fine, Your Honor.

18 Mr. Feller has -- I assume -- I have been given
19 discovery already in this matter. So, I'm part way through it
20 as it is. It's about eight disks and maybe an inch of
21 information, but I should be able to . . .

22 THE COURT: Yeah. I don't want to see you
23 listening to it in the car while you are taking notes and
24 driving.

25 MR. BURGESS: I won't do that, Your Honor. No,

1 the Court won't see me do it anyway.

2 THE COURT: That's fine.

3 Is there a third Defendant here, Mr. Feller?

4 MR. FELLER: He has pled guilty, Your Honor.

5 THE COURT: Okay. So, May 11th is the come-back
6 date?

7 MR. POOKRUM: That was the --

8 THE COURT: What kind of motion do you have,
9 Mr. Pookrum, if you want to give us a preview? You don't have
10 to.

11 MR. POOKRUM: Uhm . . .

12 THE COURT: First of all, do you have all of the
13 discovery material?

14 MR. POOKRUM: Mr. Feller tells me that I have.
15 I just got some transcripts today of I guess recorded
16 conversations and also --

17 THE COURT: Mr. Porter's biggest hits?

18 MR. POOKRUM: Correct.

19 THE COURT: Okay. Where are you housed now,
20 Mr. Porter?

21 MR. POOKRUM: Now, that was another issue. The
22 Judge wants to know where you are housed?

23 MR. PORTER: St. Clair County Jail, Your Honor.

24 THE COURT: Do you want a river view? Do you
25 want a cell that you can view the river from? Is that your

1 request?

2 MR. PORTER: No, sir. Anywhere down state or
3 the county jail, Dickerson or Milan Detention.

4 THE COURT: Well, I think there's a problem at
5 Wayne County because they have raised their rates, and the
6 powers that be decide --

7 And correct me if I'm wrong. Are you sending
8 people to Wayne County now?

9 MARSHAL: Oh, I don't know. I'm not from --
10 Jim, do you know?

11 MARSHAL NO. 2: No.

12 THE COURT: No or, no, you don't know.

13 MARSHAL NO. 2: I do not know, Your Honor.

14 THE COURT: I think someone from the U.S.
15 Attorney's office said they are raising their rates and not
16 using that facility, which it costs a lot more for a lawyer to
17 go out to St. Clair or wherever they house people.

18 But I will ask the marshals if you can have him
19 housed at Milan when the space is available.

20 MR. POOKRUM: Or, Your Honor, at Wayne County if
21 they are still doing that.

22 THE COURT: I understand. His first choice is
23 Wayne County. And I think you've got some seniority now. So
24 you might be able to get it.

25 MR. PORTER: Thank you, Your Honor.

1 THE COURT: All right. Is there anything else
2 we have to do today then? Mr. Feller?

3 MR. FELLER: I just don't know if we want any
4 other dates besides their motion cutoff.

5 THE COURT: Well . . .

6 MR. FELLER: Or if we want to see the motions
7 and then go from there.

8 THE COURT: No. May 11th is the cutoff date.
9 And the following week I will be in remedial judges school
10 learning how to decide motions.

11 MR. POOKRUM: That may be helpful.

12 THE COURT: It can't hurt. It can't hurt,
13 Mr. Pookrum.

14 Ms. Ware, why don't you give us a date the
15 following week, if we have time.

16 We also have a meeting in Columbus to learn how
17 to be judges. So, that half of our May is taken up by how to
18 do it, without giving us time to do it, but . . .

19 MR. POOKRUM: Well, that will be the next
20 meeting.

21 THE COURT: No, there won't be another meeting
22 for a while.

23 CASE MANAGER: May 24th at 3:30.

24 THE COURT: May 24th at 3:30.

25 Are you available, Mr. Porter?

1 MR. PORTER: Yes, Your Honor.

2 THE COURT: Okay. Mr. Pookrum?

3 MR. POOKRUM: Yes, Your Honor.

4 THE COURT: Mr. Burgess?

5 MR. BURGESS: Yes, Your Honor.

6 THE COURT: Mr. Feller?

7 MR. FELLER: Yes, Your Honor.

8 When would you like my response?

9 THE COURT: The next day or so. Why don't you
10 do it first.

11 MR. FELLER: The day after the hearing?

12 THE COURT: The day after the hearing? Are you
13 going to do your usual proposed opinion?

14 MR. FELLER: Sure. I'll try and be helpful.

15 THE COURT: Is seven days enough?

16 MR. FELLER: Oh, sure.

17 THE COURT: All right. Have they reorganized
18 your office yet?

19 MR. FELLER: Working on it, judge. Working on
20 it.

21 THE COURT: Good. That will give them two more
22 years of something to do.

23 Anything else?

24 MR. POOKRUM: That's it for me.

25 THE COURT: Mr. Porter, it's a touch of heaven

1 seeing you.

2 MR. PORTER: You too, Your Honor.

3 THE COURT: And I'm sure you enjoyed the ride
4 down here. And depending on who rides you back, you might get
5 to stop at McDonalds or somewhere.

6 MARSHAL: That's what you are going to learn
7 when you go to judges school; that's not happening.

8 THE COURT: Burger King? I'm sorry.

9 MARSHAL: Burger King. McDonalds is too high.

10 THE COURT: Just give him a packet of salt and
11 sugar and tell him he was there.

12 MARSHAL: That's pretty much what's in it,
13 right?

14 THE COURT: Yeah.

15 Thank you all.

16 MR. BURGESS: Thank you, Judge.

17 *(Proceedings adjourned at 2:52 p.m.)*

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